

**CITY/COUNTY ASSOCIATION OF GOVERNMENTS
LEGISLATIVE COMMITTEE**

**MINUTES
MEETING OF FEBRUARY 9, 2006**

At 5:10 p.m. Temporary Chair Deborah Gordon called the meeting to order in the Second Floor Auditorium at the San Mateo Transit District Office.

Members Attending: Deborah Gordon, Marc Hershman, Irene O'Connell, and Jim Vreeland.

Staff/ Guests Attending: Rosalie O'Mahony (C/CAG Member - City of Burlingame), Linda Koelling (C/CAG Member from Foster City), Judith Christenson (C/CAG Member from Daly City), Tom Kastin (C/CAG Member from Hillsborough), Mary McMillan (County Legislative Director), David Burruto (Speaker Pro Tem Leland Yee's Office), Richard Napier (C/CAG Executive Director), Brian Moura (Assistant City Manager – San Carlos), Geoff Kline and Walter Martone (C/CAG Staff), Jessica Sanfill (Assemblyman Mullin's Office), Duane Bay (County Housing Director), Jerry Grace, and Wes Lujan and Chuck Cole – by conference call (Advocation).

1. Selection of a temporary Chair for this meeting.

*Motion: To elect Deborah Gordon as the temporary chair for this meeting.
O'Connell/Hershman, unanimous.*

2. Public comment on items not on the agenda.

None.

3. Update from C/CAG's Lobbyist in Sacramento (in person).

Wes Lujan and Chuck Cole reported:

- a) Numerous meetings have been held with various legislators, staffers, and other lobbyists, in order to ensure that San Mateo County programs are appropriately included in the list of projects to be funded through the Governor's proposed transportation bond.
- b) Three members from the Senate and three from the Assembly will be meeting in a Conference Committee to review the information from the hearings on the various bond proposals. This Committee will then craft a compromise position.
- c) If a bond is going to be presented to the voters for consideration in June, a firm proposal must be approved by March 13th. It appears that this timeframe is too ambitious; therefore it is more likely that the bond will not be ready to be place on the ballot until the November general election.
- d) The Speaker of the Assembly has indicated that he would be willing to consider two separate bonds instead of a combined package.

- e) The San Mateo County Legislative Delegation has agreed to sign onto a joint letter that will go to the Governor, stating that a bottoms-up approach to the selection of projects is preferred over allowing Caltrans to select the projects.
- f) There appears to be broad support for the bottoms-up approach to the selection of projects, based on the testimony of various stakeholders and the comments of the legislators. The regional projects, such as goods movement, may have to be handled through a separate process.
- g) Another process that is being discussed would allow project to be submitted by both the locals and Caltrans to the California Transportation Commission (CTC). The CTC would then make the final decision. This process would also accomplish the goals that C/CAG staff is advocating for.
- h) The Governor is also proposing a bond in 2012 that would be repaid through the dedication of future gas tax revenues. This basically would mortgage future revenues.
- i) There is a private initiative that is being developed to permanently protect the Proposition 42 funds (sales tax on fuel). Groups are already out gathering signatures for this initiative. Concern has been expressed about the possibility of raids on the other bond funds.
- j) Recent polls on transportation and education bonds show strong support from the electorate.
- k) ACA 13 – Exclusion of stormwater pollution prevention programs from the two-third majority vote (Proposition 218):
 - i. The sponsor of this bill, Assemblyman Tom Harman (Republican – Huntington Beach) is running in a very contentious special election race for the Senate. Due to the controversy with this bill, he has turned it over to Assemblyman David Jones (Democrat – Sacramento). Assemblyman Mullin is also a coauthor on the bill. It is imperative that we get a Republican to also sign on to the bill in order to get the two-thirds vote in the Legislature in order to place the measure on the ballot.
- l) The deadline for introducing new legislation is February 24, 2006. There will likely be a large number of new bills on that date that will need to be screened for C/CAG.
- m) Senator McClintock (Republican) intends to aggressively move forward with his Constitutional Amendment to severely limit the ability of local governments to use eminent domain. It is questionable whether the Senator will have enough money to advance this cause while also financing his bid for Lieutenant Governor. It is very Various Democratic legislators are attempting to craft a compromise that will give greater protections to property owners while preserving the ability of local jurisdictions to use this tool to fight blight.
- n) SB 843 (Dunn) on housing and land use. C/CAG has opposed this bill that would levy penalties against local jurisdictions that do not have approved housing elements. It appears that this bill is on hold while the legislature looks at the entire housing and land use issue and attempts to create a broad strategy for addressing the affordable housing crisis.

4. Transportation Infrastructure Bond.

- a) The Governor's initiative has a number of positive elements – protection of Proposition 42 funds, increased funding for infrastructure improvement. The implementation of the bond, and specifically the selection of the transportation projects, is the problem that has C/CAG staff and our Lobbyist working on changing.
- b) C/CAG staff is coordinating very closely with Samtrans and our Legislative Delegation to resolve the problem.
- c) Senator Simitian volunteered to be the champion to fight for our cause. He is the only member of our Delegation that sits on a Transportation Committee.
- d) The list of projects that was published by Caltrans only has one project listed for San Mateo County – a bicycle project for \$1.3 million on the Coastsides. Had we gotten a fair share of the funds based on population or amount of traffic congestion, we would have received over \$200 million.
- e) Senator Simitian stated at the Senate hearing that he could not understand how a County of 750,000 people, located between San Francisco and San Jose, and having two major bridges bringing traffic to our freeway, does not meet the Caltrans definition to qualify for a real congestion relieving project.
- f) C/CAG staff has been working with the Caltrans leadership to resolve this problem, but to date there has been no agreement. The Caltrans list of projects, although it has been identified as a draft, does not seem to be flexible.
- g) Every member of the San Mateo County Delegation has been very eager to assist in helping to get more projects for San Mateo County.
- h) Mary McMillan, County Legislative Director, has been working very closely with C/CAG on this effort.
- i) The policy that C/CAG staff is recommending that the Board pursue has three elements:
 - i. There is broad support for the selection of projects to be a bottoms-up process as set forth in the State Transportation Improvement Program (STIP). This will ensure that all of the counties receive a formula allocation of the funds.
 - ii. There needs to be recognition that there are some projects that cannot be done through this formula allocation process. Therefore some of the funds should be set aside for these special circumstances.
 - iii. All of the projects should be subject to the final approval of the CTC.

Motion: To approve the staff recommendations (1 and 2 on page 18) as presented and to spend whatever time is necessary to ensure that San Mateo County projects receive an appropriate level of funding. O'Connell/Gordon, unanimous.

5. Update on telecommunications and local control issue.

Brian Moura reported:

- a) This summer/fall the cable operators (including Comcast) will begin operating long distance and local telephone service. This has the telephone companies terrified.

- b) The telephone companies are now suddenly very interested in providing cable T.V. services. They have proposed both State and Federal reforms to preempt local franchise authority.
- c) Most of the local franchise agreements with Comcast in San Mateo County have competitive equity clauses that state that the extent to which a jurisdiction loses compensation, you also lose that compensation from the cable operator, regardless of whether you have a signed agreement.
- d) The cable industry would like to see the current status remain the same. Their infrastructure is already in place and they are well positioned to begin offering telephone services. The telephone companies want to through out all the rules because they have not prepared for this new competition.
- e) SBC was offered a Countywide franchise a number of years ago and they turned it down.
- f) Verizon has a new technology that brings fiber to the home that is becoming very popular.
- g) The League of California Cities is preparing a White Paper on the telecom issue. After it is completed, they will be talking with various legislators about potential bills that would protect local governments.
- h) The Senate Utilities, Communication and Energy Committee, of which Senator Simitian is a member, is considering a bill that has two tracks:
 - a. The telephone companies may be granted the existing franchised that a city has in place.
 - b. A model franchise could be developed Statewide. The League considers that dangerous because the funds would then flow through the State. The League is proposing instead that there be a "model" franchise that could be granted by individual cities if the operator meets the terms set forth in the "model." The funds would then flow through the city.
- i) SBC has indicated that they are unwilling to meet the same standards as the cable operators:
 - a. They do not want a customer protection standard.
 - b. They do not want to give money for PEG operation. They are willing to carry these stations, but not fund their operation.
 - c. They do not want to provide a fiber optic network.
- j) The Verizon proposal is to serve the entire city with fiber optics. The SBC proposal is to only serve the upper one-third of the higher value customers. The lower two-thirds would get satellite dish plus DSL. SBC also wants a three-year escape option in case they decide not to offer video.
- k) On the Federal level there are proposals to get rid of some of the customer protection and finance issues. Congresswoman Eshoo is on the House Committee drafting a bill, and she has been very responsive to the needs of local jurisdictions.
- l) It appears that resolution of this matter will likely occur at the State level first and then it may become a model for use at the Federal level.

Questions from Committee Members included:

- a) What things should the cities and C/CAG be doing to ensure that our interests are represented? Review and hopefully endorse the League's White Paper. The Samcat Board has already endorsed the draft paper. C/CAG should also discuss and take positions on the bills that will likely be introduced at the State level.

C/CAG may also need to have its lobbyist carry the issues of the cities to the appropriate bodies at the State. C/CAG should be tracking the information about this issue. The League is taking an active role and is doing a good job representing the cities. Finally the cities should not be granting permits to SBC deploy any of its technology until they agree to match the terms of the franchise agreements.

- b) Brian was requested to make a presentation on this item to the City Council of San Bruno.
- c) The “high value” issue may also be affecting locations without regard to income status of the residents because they are looking for high-density areas to have more customers.
- d) Brian will bring more information back to C/CAG as it becomes available.

6. Sexual Predator legislation.

A large number of bills have been introduced to deal with the issue of sexual predators. Many of ones from last year failed in Committees and will not be moving forward. A number of new bills were recently introduced, but have not been assigned to committees. Staff will alert the cities when it appears that one or more of these bills are beginning to move forward.

7. All mail ballot for the June 2006 Gubernatorial Primary.

Walter Martone reported:

- a) This item previously came before C/CAG, but no action was taken.
- b) It appears to be more critical at this time because it will affect the affordability of the June 2006 Primary.
- c) The Legislative Committee’s concern last time related to whether an all mail ballot would favor one political party over another.

Brian Moura reported:

- a) More than 51% of the voters in San Mateo County are already using a mail in ballot.
- b) The issue is that there are problems with certifying election equipment in time for the June 2006 Primary.
- c) The Board of Supervisors and San Carlos have taken a support positions on this issue.

Mary McMillan reported:

- a) There are many counties (15) that have jointed with San Mateo County in promoting all mail balloting as a way of addressing this issue for the upcoming June election.
- b) There will still be polling places open for those who do not want to or can’t vote by mail.
- c) The money that would be saved through this process will be used to educate the voters.

Questions:

- a) It is often unclear how much postage must be put on the return ballot. They should be prepaid envelopes for return of the ballots
- b) Is the due date based on the postmark or when the County receives the ballot?
- c) These issues are particularly important for those who have never voted by mail.
- d) Concern was expressed about maintaining a current and accurate list of voters. There is the potential for abuse if mail ballots are sent out to large numbers of individuals who are no longer voting in this County.
- e) For at least the first time that the all mail ballot is used, there should be a prepaid return envelope.

This item will be brought back to the Legislative Committee with the answers to these questions.

8. Bills that have been authored by the members of the San Mateo County State Legislative Delegation.

This item was for information only as requested by the Committee at its last meeting.

- a) Staff was requested to bring SB 369 for consideration at a future meeting.

9. Establish date and time for next meeting (March 9, 2006).

10. Other items/Comments from Guests.

David Burruto reported that there is broad consensus from the Legislature to use the STIP process for the allocation of the proceeds from the Transportation Bond. Legislators are concerned that they did not have the opportunity to be involved and to consult with their local constituents. The process proposed by the Governor's staff does not have much support.

11. Adjournment.

The meeting was adjourned at 6:30 p.m.